

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: INVOKANA (CANAGLIFLOZIN) PRODUCTS LIABILITY LITIGATION	:	MDL NO. 2750 JUDGE BRIAN R. MARTINOTTI JUDGE LOIS H. GOODMAN
--	---	--

CASE MANAGEMENT ORDER NO. 5
(Science Day)

On July 19, 2017, the Court will hold “Science Day” to provide the Court with an overview of certain medical and scientific issues associated with the medicine Invokana® and the injuries being alleged by the plaintiffs in an objective format without advocacy. Given the early stage of the litigation and discovery and to avoid duplication in presentation, the parties have agreed to the following ground rules to educate the Court on the basic issues in a non-adversarial manner and govern Science Day:

1. The parties have agreed that the topics to be discussed at Science Day may include: a background on diabetes; a background on anti-hyperglycemic therapy, including SGLT-2 inhibitors; other diabetes management treatments, the mechanism of action of Invokana® and approved indications; the injuries alleged in this litigation, medical literature and regulatory statements regarding the use of Invokana and/or SGLT-2 inhibitors, and other matters the parties elect to present on relative to the science behind Invokana®

2. The Science Day presentations will be transcribed by a court reporter to be supplied by the Parties for the Court's use only, with costs to be split by the Parties. The Parties may move to request a copy of the transcript and will have to establish good cause for their request. The transcript, if released, shall be treated as confidential and will be subject to the Confidentiality Order in this case. Neither the transcript nor the presentations shall be discoverable, admissible, used in any fashion for impeachment purposes or for collateral attack on any presenter, or for any purpose in the litigation other than for the Court's benefit to gather informal knowledge at Science Day.
3. The presentations may be made by the Parties' attorneys and/or experts or a combination. The presenters will not be questioned by each other or opposing counsel. The Court will have the opportunity to ask questions of the presenters as the Court deems appropriate. Nothing in this paragraph should be read to mean that the Parties' are required to present with an expert.
4. The format will be lecture-style presentations that may incorporate the use of PowerPoint presentations or other demonstrative aids. The Parties' attorneys will be allowed to lead the experts through a modified direct examination format to focus the presentation.
5. The total length of time that will be allotted to Science Day shall be approximately four hours, not including the time for any questions the Court has after the Parties' presentations, and shall proceed as follows:

- a. Defendant's presentation on all topics – 2 hours
- b. Questions from the Court to Defendant's presenters
- c. Plaintiffs' presentation on all topics – 2 hours
- d. Questions from the Court to Plaintiffs' presenters

IT IS SO ORDERED, this 21st day of March, 2017.

/s/Brian R. Martinotti

HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE